

LITCHFIELD PLANNING BOARD

August 18, 2009

Minutes Approved 9/1/09

Members present:

Alison Douglas, Chairman
Edward Almeida, Vice Chairman
Marc Ducharme, Clerk
Leon Barry
Steve Perry, Selectmen's Representative

Members Not Present:

Jayson Brennen
Carlos Fuertes

Also present:

Joan McKibben, Administrative Assistant
Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

AGENDA

1. Lot Line Adjustment - Tax Map 18 Lot 31 and Tax Map 18 Lot 33. Applicants seek to move 5,772 square feet from Lot 33 to Lot 31.

2. NRPC Steve Schaffer and Camille Pattison to discuss CTAP Open Space.

3. Planning Board Applicant - John Miller

4. Residential Driveway Regulation and Permit - Proposed Appendix J Litchfield Regulations

5. Conservation Subdivisions - Marc Ducharme

Any Other Business:

- Approve 8/4/09 minutes
- Sign Minutes and Site Plan Certification
- Correspondence

Chairman Douglas called the meeting to order at 7:05 p.m.

1. Lot Line Adjustment - Francis & Debra Drouin, 17 Naticook Avenue, Tax Map 18 Lot 33 and Michael & Brenda Douglas, 19 Naticook Avenue Tax Map 18 Lot 31. Applicants seek to move 5,772 square feet from Lot 33 to Lot 31.

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Gregg Jeffrey, Jeffrey Land Surveyor, LLC, 1 Burgess Drive, Litchfield, N.H., came before the Board representing the applicants. Applicant Francis Drouin was present.

The Board had conditionally accepted the application for a proposed lot line adjustment on August 4, 2009. The revised plan was submitted to the Board with the changes recommended at the last meeting:

- The verbiage regarding the Shoreline Protection Act was changed and reference is made to the original plan.
- Note 3 on the revised plan is now note 2 that talks about current zoning regulations in the residential district.
- The symbol for the monument to be set is shown on the revised plan indicating an iron rod to be set back from the river. The original monument eroded due to the high water. The lot line is approximately 180 feet long and the iron rod will be set back 160 feet from the existing conservation stone bound.
- Another request by the Board was to reference the original plan as to the restrictions on both lots.
- Another condition was to show the legend.
- Provide hard copies of the deeds and electronic submission.

Mrs. McKibben (Chairman Conservation Commission) stated that the Conservation Commission had no issue with the proposed lot line adjustment and a letter is forthcoming.

Chairman Douglas opened the meeting to public comment. There was no public comment. Public comment session Closed.

Mr. Wagner stated the Board also needs the owners' signature on the final plan, a signed Mylar, electronic data submission and copy of the deeds. Fees have been paid but there would be some additional fees.

Chairman Douglas **ENTERTAINED A MOTION** to accept the application for approval. Mr. Almeida **SO MOVED** to approve the lot line adjustment plan for 17 Naticook Avenue, Tax Map 18 Lot 33, Map 18 Lot 31 with the following conditions:

1. To verify owners' signature on the plans - 4 copies.
2. Survey seal and signature.
3. Copy of the deed(s) to be provided.
4. Signed Mylar to be provided.
5. Electronic data submission.
6. Any additional fees to be paid up front.

Talk ensued. Mr. Almeida **Amended Motion** to provide six (6) copies of the plan and one (1) recordable Mylar. Mr. Barry seconded. Motion carried 4-0-1.

2. LITCHFIELD CTAP OPEN SPACE PLAN

Mr. Steve Schaffer and Camille Pattison of Nashua Regional Planning Commission came forward to discuss CTAP (Community Technical Assistance Program) Open Space plan. CTAP is a New Hampshire Department of Transportation (NH DOT) five-year initiative to assist the 26 communities that will be affected by the rebuilding of Interstate 93.

Ms. Pattison discussed what has been happening with the Litchfield Open Space Committee consisting of Frank Byron (Selectmen Chairman), Alison Douglas and some residents. The open space project is actually funded through CTAP and the idea is to use GIS mapping tools and prioritize data layers identifying conservation land and areas to preserve. The Committee also looked at agricultural preservation areas.

Mr. Schaffer talked about the technical aspects of the project, which are two main products: 1. A green infrastructure general overlay map targeting conservation land, and the focus is connectivity to existing conservation land and other open space areas. 2. A mapping showing list of priority parcels using the green infrastructure as a guide. The Town has some notion of the parcels they would like to obtain if the money became available.

This project is an attempt to systematically look at data layers the Town feels is important. The Committee had identified five (5) key environmental layers they thought were very important to the Town of Litchfield:

1. Stratified Drift Aquifers
2. Unfragmented Forest Blocks
3. Prime agricultural soils along the river
4. Wildlife action plan habitat tiers
5. Natural heritage buffer areas

What they did was a co-occurrence analysis overlaying multiple datasets, or map layers, to identify the amount of coincidence or overlap on any given location. In this analysis each of the five key environmental layers was given a value of one (1), the layers were overlaid in GIS and the values added together for every location in town. This produced a co-occurrence score between zero to four (four of the five key environmental layers existed at a location) the highest co-occurrence was four. There were no locations in town where all five layers existed.

Again, this is a systematic look at the Town of Litchfield, a long-term guide, and the goal is to connect existing open space land with other important areas that were identified in the co-occurrence analysis.

High Priority Parcels - The Committee had identified the priority parcels, most desirable parcels, based on the mapping. These properties are expensive to acquire

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2 and assuming the availability of the property. The Conservation Commission has already
3 identified some of the parcels.
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5 Ms. Pattison went on to say that purchasing development rights is another option and
6 transferring development rights which can be as simple as allowing off site open space.
7 All in all, this information gives the Town something to work with and provide the
8 community with a planning tool.
9

10 This method is being used in a lot of cities as part of the I-93 widening. The most
11 commonly used are the conservation easements and conservation subdivisions; they are
12 very cost effective for towns to utilize. Ms. Pattison suggested that the Town uses it as a
13 planning tool and a guide as developments come before the Board. Mr. Kevin Lynch
14 commented that Litchfield is not getting anything out of the I-93 widening. All he sees
15 the Town is getting is identifying wanting pieces of land for open space developments.
16 Ms. Pattison replied that, "It is giving you a tool you did not have and gives you a sense
17 of which parcels you probably want to use because the I- 93 increases population and you
18 want to plan for it. This is not meant to take anyone's land."
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20 **3. PLANNING BOARD APPLICANT - John Miller**

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22 Mr. John Miller came before the Board to discuss his desire to serve as a member on the
23 Planning Board. Mr. Miller has resided at 21 Bear Run Drive for a year. He said that he is
24 available most Tuesday evenings but commented that he is presently attending college.
25 He works in the IT field and he used to be a contractor. He was a member of the Planning
26 Board in Atkinson where he lived before moving to Tennessee. Mr. Barry told the Board
27 that Atkinson Planning Board members did speak highly of Mr. Miller. At Chairman
28 Douglas's requests, Mr. Miller went on to talk about his current job and what his
29 responsibilities entail.
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31 Mr. Miller is interested in seeing where the Planning Board is heading and what plans it
32 has for the Town because he feels it impacts the taxes, the budget, etc. He asked the
33 Board what is the biggest challenge it is facing and what does the Board want to get done.
34 What are some of the Board's primary goals? Mr. Perry responded that affordable
35 housing is one item of concern because the State is mandating workforce housing so this
36 needs to get implemented. Talk ensued. Mr. Miller was told that he would be
37 notified of the Board's decision.
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39 **4. RESIDENTIAL DRIVEWAY REGULATION AND PERMIT - Proposed** 40 **Appendix J**

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42 Clerk Marc Ducharme read a letter from the Road Agent John Pinciario and Code
43 Enforcement Officer Kevin Lynch. The letter states that in their opinion the regulation is
44 too cumbersome with unnecessary details and they suggests it be simplified so it is easier
45 to apprehend. The letter also suggests they meet with Circuit Rider Steve Wagner to

review the proposed driveway regulation in order to address their concerns.

Code Enforcement Officer Kevin Lynch was present. He told the Board that there are a lot of things in the regulation that are not needed. He feels in looking at the driveways in Town that there are no issues. He also mentioned that Lou Caron, L.C. Engineering, who is the Board's engineer on many matters, has not seen the regulation.

Mr. Wagner agreed to meet and discuss the regulation with the Road Agent and Code Enforcement Officer in order to hear their concerns. Mr. Barry asked that they show in the draft proposal what was deleted from the regulation and what was added. Mr. Wagner told the Board he could not guarantee the regulation would be ready for the next meeting.

Building Codes - Mr. Kevin Lynch said he has been waiting to be placed on the agenda to discuss the adoption of the Building Code. The State law has changed whereby the BOCA code is no longer in existence, and it is now the National Building Code that is in effect.

Driveways - Back to the driveway regulation, Messrs. Wagner, Lynch and Pinciario will meet to discuss the matter and hopefully they will have something ready for the Board to review at its next scheduled meeting September 1, 2009. Mr. Lynch said he may not be able to attend the next meeting due to his being on vacation but that he would let the Board know ahead of time.

5. CONSERVATION SUBDIVISIONS

Marc Ducharme provided members with a copy of a proposed conservation subdivision ordinance he prepared for the Board's perusal. He explained that Conservation Subdivisions began as being called cluster subdivisions, and then they were called conservation subdivisions and open space. The purpose is to determine what to preserve and when to apply it. Do we want developers to use this and, if so, when?

Selectman Perry questioned the section Applicability states all subdivisions over 12 acres are to be open space subdivisions. "Is that what we want to do? The developer that has 30 acres and wants to build single-family homes and give people a yard, you do not want to prevent it. Although, it could be done with a waiver."

One of the reasons Mr. Ducharme wants to make subdivisions over 12 acres mandatory open space is because of his experience in one town where he went before the Planning Board with a development and then the planning board made it a cluster development. It was very frustrating. All in all, Mr. Ducharme said he is considering smaller lot sizes perhaps ½ acre lots would be ideal. There will be no increase in the number of houses with this regulation.

This proposed ordinance will be discussed at the next meeting.

OTHER BUSINESS

Pinecreek Subdivision

a. Tree Cutting - Mr. Kevin Lynch reported that the Pinecreek Subdivision plan was approved in 2005 and in 2006 a tree-cutting plan was agreed to but he was not aware of it. A lot of trees were removed due to the Department of Transportation requirements for sight distance. Mr. Lynch said more trees were lost due to the installation of the septic system. "Those trees that would have remained had no support so they would have fallen over eventually. Most of the trees were pine trees."

Mr. Ducharme: It might have been an unrealistic thing to save the trees. Mr. Lynch: I agree. The curb cuts alone took out the realistic right there. By getting those two curb cuts that took away the frontage all the way down through where the houses are and the leachfields are uphill. There is still a buffer between the apartments and the houses.

Mr. Perry said that Ashwood did not follow the plan and they did not ask for a change to the plan. It was said that the tree-cutting plan was not recorded. Mr. Lynch wants to see the lots landscaped so it could be mowed; have them come in with a landscaping plan on the slope. He does not think it is necessary to replant trees.

b. Single-Family Residences on Route 3A

A building permit was issued for one of the single-family residence at Pinecreek. Mr. Lynch told the Board that there is nothing being done inside the house at this time because of an ongoing discussion about fire protection. The permit was issued with the installation of a sprinkler system and there is an ongoing discussion with Ashwood Companies and the Fire Chief.

Mr. Perry stated that according to the regulations the Fire Chief has the final say. Mr. Lynch replied, "Not on the NFPA, only for subdivision and site rules for water supply and water systems." He went on to explain NFPA 13, 13 d and 13 r rules. With this, Mr. Lynch left the meeting. At 9: 25 p.m. Selectman Perry left the meeting to converse with Mr. Lynch.

Broadview Farms - Chairman Douglas read a letter from residents of 11 Riverview Circle requesting the right-of-way removal thus granting the right-of-way to them. According to the residents they do not have the frontage requirements and this would make the lot conforming. They feel the right-of-way is no longer needed. The letter was first sent to the Zoning Board and the ZBA sent it to Selectmen Chairman Frank Byron. The Board felt that this is a Selectmen issue. Mrs. Douglas said Mr. Byron did provide a copy to Town Counsel for review.

Mr. Ducharme said it sounds like a bad idea and that the right-of-way should not be given

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away because it is a second access to the larger piece in the rear. He felt that the Planning Board should make the decision and not have Town Counsel spending a lot of time on this matter.

Escrow Account - Mrs. McKibben said she received a check from R&D Development in the amount of \$2,500 but the amount according to the regulations is supposed to be \$5,000. In their letter, they state that since the road is complete except for finish pavement that \$2,500 is sufficient because there would not be a lot of inspection needed. Mrs. Douglas said the \$2,500 is not sufficient; \$5,000 is needed.

Cell Tower - The Planning Board has been notified by certified letter of public hearings for the proposed installation of a cell tower in the Towns of Franconia and Greenfield, NH.

Minutes - Selectman Perry returned. The Board discussed the August 4, 2009, meeting minutes. Mrs. Douglas **MOTIONED** to accept the August 4, 2009, minutes as amended. Mr. Ducharme seconded. Motion carried 2-0-3.

2010 Budget - The Board reviewed the 2010 budget.

There being no further business, Chairman Douglas **MOTIONED** adjourn the meeting at 10:00 p.m. Mr. Barry seconded. Motion carried 5-0-0.

Alison Douglas, Chairman

Edward Almeida, Vice Chairman

Marc Ducharme, Clerk

Steve Perry, Selectman

Lorraine Dogopoulos
Recording Secretary

